

FILED BY *[Signature]* D.C.

05 OCT -3 PM 3:46

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Plaintiff,

VS.

CR. NO. 05-20186-B

EARNEST MITCHELL,

Defendant.

ORDER ON CONTINUANCE AND SPECIFYING PERIOD OF EXCLUDABLE DELAY
AND SETTING

This cause came on for a report date on September 26, 2005. At that time counsel for the defendant requested a continuance of the October 3, 2005 trial date in order to allow for additional preparation in the case.

The Court granted the request and reset the trial date to November 7, 2005 with a report date of Monday, October 31, 2005, at 9:30 a.m., in Courtroom 1, 11th Floor of the Federal Building, Memphis, TN.

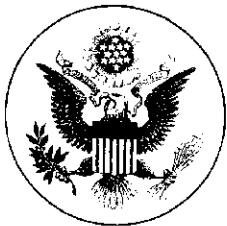
The period from October 14, 2005 through November 18, 2005 is excludable under 18 U.S.C. § 3161(h)(8)(B)(iv) because the ends of justice served in allowing for additional time to prepare outweigh the need for a speedy trial.

IT IS SO ORDERED this 3rd day of October, 2005.

J. Daniel Breen
J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCrP on 10-4-05

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Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:05-CR-20186 was distributed by fax, mail, or direct printing on October 4, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT